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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,401	03/01/2002	Fredrik Ruda	32527	6934
23589	7590	06/14/2005	EXAMINER	
HOVEY WILLIAMS LLP 2405 GRAND BLVD., SUITE 400 KANSAS CITY, MO 64108			PRICE, RICHARD THOMAS JR	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 10/070,401 Examiner Thomas Price	Applicant(s)
	RUDA, FREDRIK
	Art Unit 3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 March 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5, and in claim 15, line 7, "said displayed representations" lacks prior antecedent bases in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hargrove, Jr. et al U.S. Patent 5,897,619.

Hargrove, Jr. et al teach a farm management system including a graphical user interface having a computer based graphical and schematic representation of a part of a dairy farm system. Dairy farms include a portion of the operation as growing food for the animals, and as such, the reference to Hargrove et al is believed to encompass a part of a dairy system as broadly claimed in Applicant's claims. The representation includes objects having a spatial location in relation to the other objects. The spatial location is mapped to the spatial location of the respective represented part of said dairy farm system. As seen in Figure 5, the objects display are at least one associated

physical property of size and shape. Further, each field however denoted is shown in the map screen of Figure 5. The reference to Hargrove, Jr. includes a graphical and schematic representation of a part of a dairy farm system having multiple graphical and schematic representations. These plurality of representations broadly read on the claimed "another computer based graphical and schematic representation". Further, in claim 1, line 4, and claim 15, lines 5 and 6, the phrase "a part thereof" can still broadly read on a part of a dairy farm system. The operative word being "farm". The farm of Hargrove is broadly considered to be a part of a dairy farm system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hargrove, Jr. et al U.S. Patent 5,897,619 in view of van den Berg U.S. Patent. Hargrove et al do not teach a graphical interface representation of an entry gate and exit gate. However, van den Berg teaches a method and apparatus for automatically milking animals. Van den Berg further teaches using a computer with display to track animals in and out of the gates, and the operation of the gates via computer. See claim 43. Regarding claim 43, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the apparatus of Hargrove, Jr. with a graphical interface of van den Berg, in order to track the animals in and out of the gate

and to control gate movement, so that a user can track one's animals from the computer display.

Response to Arguments

With regard to the Applicant's argument concerning the meaning of "dairy farm", the Examiner believes to the contrary. It is widely known that dairy farms grow their own food. According to the Applicant's definition, a farmer who raises dairy cattle by only milking the animals, then that farmer works on a dairy farm. However, once that farmer raises feed for the dairy cattle, then that farmer no longer works on a dairy farm. This stringent definition of a dairy farm is unrealistic and grossly incorrect. In regards to the Applicant's argument concerning amended claim 1 and 15 claiming a computer screen is noted. However, no where in the amended claims 1 and 15 is there a "computer screen" claimed. The Applicant's additional arguments concerning the related features of this unclaimed computer screen are considered, although these arguments appear to be more specific than the claims.

Response to Amendment

Applicant's arguments filed 03-17-2005 have been fully considered but they are not persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Allowable Subject Matter

Claims 6-9, 11-13 and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Price whose telephone number is 703-308-2694. The examiner can normally be reached on Monday through Friday from 8:30a.m. to 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas Price
Primary Examiner GAU: 3643

rtp